

REMARKS

Applicants request reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks.

Claims 1, 2, 4, 6-34, 50-55, and 60-74 are pending in the present application. Claims 1, 68, and 72 are the independent claims.

Claims 1, 2, 4, 7, 8, 11, 15, 18, 24, 31, 52, 65, and 68-74 have been amended. No new matter has been added.

The Office Action objected to the Title of the Invention. By the present Amendment, Applicants have amended the Title in a manner even more indicative of the subject matter for which patent protection is sought.

Favorable consideration is respectfully requested.

The Office Action noted the absence of the text of claim 5. Claim 5 was cancelled in the previous Amendment. Applicants have provided the appropriate status identifier in the present Amendment.

The Office Action objected to claims 72-74 as substantial duplicates of claims 1, 2, and 67. By the present Amendment, Applicant has amended independent claim 72 in a manner such that its scope differs from independent claim 1. Claims 73 and 74 depend from claim 72.

Favorable consideration is respectfully requested.

The Office Action advised that the symbol "/" was interpreted as "or." By the present Amendment, Applicants have amended the claims to remove this construction so as to even further enhance the clarity of the claims.

Favorable consideration is respectfully requested.

Claims 1, 2, 4-33, 50-55, and 60-74 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter of the invention. By the present Amendment, Applicant has amended independent claims 1, 68, and 72 in manners believed to traverse this rejection.

Accordingly, favorable reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, are respectfully requested.

Claims 1, 2, 4-13, 22-27, 29-34, 50-55, and 65-74 stand rejected under 35 U.S.C. 103(a)

as being unpatentable over JP 10-149564 (JP '564) in view of JP 07-320287 (JP '287). Claims 1, 2, 5, 14-21, 29-34, and 66-74 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,597,642 (Ijima et al.) or alternatively under 103(a) as being obvious in view of JP '287. All rejections are respectfully traversed. Claims 6-8, 9-13, 22-27, and 50-55 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Ijima et al. in view of U.S. Patent No. 5,963,515 (Shindo) or Ijima et al. and JP '287 in view of Shindo. Claim 28 stands rejected under 35 U.S.C. 103(a) as being unpatentable over the above combinations in view of U.S. Patent No. 6,560,019 (Nakai). Claims 60-65 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Ijima et al. in view of U.S. Patent No. 6,567,355 (Izumi et al.) or Ijima et al. and JP '287 in view of Izumi et al.

Independent claim 1 recites, inter alia, that a light detecting device includes a switch selectively outputting first and second detection signals to first and second detecting portions (of the signal processor), respectively.

Independent claim 68 recites, inter alia, that in detecting a main light beam and reflected sub-light beams, first and second detection signals are selectively output to first and second detecting portions (of the signal processor), respectively.

Independent claim 72 recites, inter alia, a light detection device which includes a switch selectively outputting a first detection signal and a second detection signal, the first and second detection signals being respectively output to the first and second detecting portions of a signal processor.

However, Applicants respectfully submit that none of the asserted citations, alone or in combination, teach or suggest at least the aforementioned features of independent claims 1, 68, and 72. Thus, without conceding the propriety of the asserted combinations, it is respectfully submitted that the asserted combinations are likewise deficient.

JP '564 relates to an optical pickup device and tracking error signal detection method. As the Office Action acknowledges, JP '564 does not disclose the aforementioned features of independent claims 1, 68, and 72. Nonetheless, the Office Action contends that JP '287 provides the necessary disclosure of these features. This contention is respectfully traversed.

JP '287 relates to an optical pickup device and discloses a device including a change means 36 which receives a tracking error signals TEs and TEp and, based on a determination of distinction means 37, selectively outputs one of the received tracking error signals. (JP '287, paragraphs 31, 37, and drawing 1).

The Office Action contends that the change means 36 is a switch meeting the aforementioned features of independent claims 1, 68, and 72. (Office Action, pages 6 and 7). However, the change means 36 of JP '287 receives two tracking error signals and selectively outputs one of the signals. In contrast, independent claims 1, 68, and 72 recite a switch that receives detection signals and selectively outputs the signals to first and second detecting portions of a signal processor each of which in turn detects a tracking error signal based on the received detecting signal. Stated another way, the switch recited in independent claims 1, 68, and 72 neither receives nor outputs a tracking error signal.

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claims 1, 68, and 72 under 35 U.S.C. § 103 based on the combination of JP '564 and JP '287 are respectfully traversed.

Regarding the rejection under 35 U.S.C. § 102, the selection circuit 302 of Ijima et al. receives tracking error signals and selects one of the received tracking error signals according to a judgment result of a judgment circuit 301. (Ijima et al., Col. 8, lines 55-61). As explained above, the switch recited in independent claims 1, 68, and 72 neither receives nor outputs a tracking error signal.

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claims 1, 68, and 72 under 35 U.S.C. § 102 based are respectfully traversed.

Regarding the rejection under 35 U.S.C. § 103 based on the combination of Ijima et al. and JP '287, as explained above, both of these citations disclose switching between received tracking error signals and selectively outputting one of the received signals. In contrast, the switch recited in independent claims 1, 68, and 72 neither receives nor outputs a tracking error signal.

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claims 1, 68, and 72 under 35 U.S.C. § 103 based on the combination of Ijima et al. and JP '287 are respectfully traversed.

Applicants respectfully submit that Shindo, Nakai, and Izumi et al. add nothing that would remedy the aforementioned deficiencies.

Also, Applicants submit that one of ordinary skill in the art would not have been motivated at the time of filing to have made the asserted combinations.

In view of the foregoing, Applicants respectfully submit that the independent claims

patentably define the present invention over the citations of record. Further, the dependent claims should also be allowable for the same reasons as their respective base claims and further due to the additional features that they recite. Separate and individual consideration of the dependent claims is respectfully requested.

Applicants believe that the present Amendment is responsive to each of the points raised by the Examiner in the Official Action. However, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to such matters.

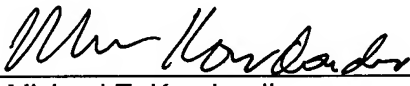
There being no further outstanding objections or rejections, it is submitted that the present application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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